

मामला क्रमांक

Cont. Pet. 190/

सन् 2007

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	<u>PETITIONER:</u> - Versus - <u>RESPONDENTS/:</u> (Contemnors)	Bhajan Lal Agrawal, S/o Late Shri Rammanorath Lal Agrawal, aged about 56 years, R/o New Shanti Nagar, Raipur (CG) 1. Mr. Subhodh Singh, Collector, Raipur (CG) 2. Mr. Manoj Kant Kesharia, A.S.L.R. Raipur, O/o Collectorate, Raipur (CG) 3. Mr. Pramod Sharma, Revenue Inspector, Land Division of Pandari Area, Raipur (CG) 4. (a) Smt. Jyoti Singhaniya, W/o Gajendra Singhaniya, R/o House No.12/262, Subhash Road, Raipur (CG) (b) Smt. Alka Singhanita, W/o Pradeep Singhaniya, R/o House No.12/262, Subhash Road, Raipur (CG) 5. Kishan Lal Daga, S/o Mohan Lal Daga, R/o Halwai Line, Raipur (CG) 6. Smt. Shanti Devi, Wd/o Vishnu Prasad Kashyap, R/o Pandari Tarai, Raipur (CG) 7. Raj Kumar Nathani, Dinesh Nathani, S/o Bulaki Das Nathani, Edward Road, Raipur (CG) 8. Navratan Lal Agrawal, S/o Late Daulat Ram Agrawal, Samta Colony, Raipur (CG)

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	9.	Sarala Bai Jomin, W/o Omdutt Sharma, R/o Rajhara, Durg, at present New Shanti Nagar, Raipur (CG)
	10.	Chandan Bai, Wd/o Ugrasen @ (Khokhepur) Murdagiya present name Kundan Prajapati, R/o New Shanti Nagar, Raipur (CG)
	11.	Savitri Devi, W/o Karni Das, R/o Choubey Colony, Raipur (CG)
	12.	Anil Kumar, S/o Paresh Nath Chatterjee, R/o New Shanti Nagar, Raipur (CG)
	13.	Nirmala Bai, W/o Bhavji Shah, Rama Bai, W/o Bharunji Shah, R/o
	(Contempt petition under Article 215 of the Constitution of India read with Section 12 of the Contempt of Court Act)	
	<u>Single Bench: Hon'ble Mr. Justice L.C. Bhadoo</u>	
	<u>31-8-2007</u>	
	Mr. Sunil Sahu, counsel for the petitioner.	
	Heard.	
	Today the matter is listed on I.A.No.1, application for amendment in the cause title for adding the names of respondents No.14 & 15 and for amendment of address of respondent No.13.	
	Perusal of the contempt petition shows that the petition is not maintainable. This contempt petition was filed with the averment that this Court vide order dated 16-1-2002 (Annexure C-1) passed an interim order with observation that "let the parties maintain status quo, as it exists today. In this	

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	view of the matter, let the operation of the impugned order dated 21-9-2001 be kept in abeyance, as it existed on 9-11-2001". I have perused the order dated 16-1-2002 passed in W.P.No.2097/2001 by which the Court while disposing of the said writ petition observed that "in the result, this petition is disposed of with direction that the petitioner shall appeal before the learned S.D.O. within ten days from today. On receipt of such appeal, the learned S.D.O. shall proceed to decide the case on merit expeditiously. Delay, if any, is condoned". It was further observed that "Shri B.P. Sharma, learned counsel for the petitioner makes a prayer that certain interim order may be allowed. This aspect should also be examined by the Appellate Authority. However, until the Appellate Authority considers and passes appropriate interim orders, let the parties maintain status quo, as it exists today. In this view of the matter, let the operation of the impugned order dated 21-9-2001 be kept in abeyance, as it existed on 9-11-2001, until the learned Appellate Authority passes appropriate orders in this regard". By this order, while disposing of the writ petition, the petitioner was allowed to file an appeal before the S.D.O. within ten days from 16-1-2002. Learned counsel for the petitioner submits that the appeal was already filed on 24-1-2002. In the natural course, the petitioner ought to have pressed before the Appellate Authority to decide application for interim stay within reasonable expected time from the date of filing of appeal i.e. maximum within one or two months. It appears that till today, the stay application has not been pressed by learned counsel for the petitioner and no order has been obtained. In the mean time, as per the contempt petition, respondents No.7 to 13 have mutated their names in collusion with respondents No.1 to 3 and some construction has already been raised. In the first instance, no date has been mentioned as to	



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Barve	when they raised construction. It has not been mentioned that as to why application for interim stay has not been pressed before the S.D.O. in spite of this Court order dated 16-1-2002. This Court allowed ten days' time to file appeal before the S.D.O. and as an interim measure granted status quo so as to enable the petitioner to obtain order ^{for the appeal} from the S.D.O., but even after lapse of more than five years & six months time the order has not been obtained. The order dated 16-1-2002 was not passed for indefinite period, this is rather misuse of judicial process. The petitioner has not been able to make out a case to initiate contempt proceedings against the respondents, as such, the contempt petition is dismissed. Consequently, I.A.No.1 stands disposed of.	Sd/- L.C. Bhadoo Judge